

■ In the last five years, the Emmet County Friend of the Court Office has achieved a 95 percent settlement rate for cases that have been mediated.

Contents

- 1 **Michigan Family Support Council Honors Emmet County**
- 2 **Kent County Circuit Court Domestic Relations Education Program**
- 3 **Access and Visitation Grant**
- 4 **Cases in Brief**
- 5 **Capitol Corner**
- 6 **FYI**

NOVEMBER 2005
VOLUME 19, NUMBER 1

Michigan Family Support Council Honors the Emmet County Friend of the Court Office

by State Court Administrative Office, Friend of the Court Bureau Staff

The Michigan Family Support Council (MFSC) recently held its annual training conference for Michigan child support professionals. More than 500 professionals attended the workshops and plenary sessions held in Northern Michigan. At each annual conference, the MFSC recognizes outstanding child support professionals and child support programs. A committee selects individuals and/or programs from nominees submitted by the statewide membership. Emmet County's Friend of the Court Office received the 2005 Outstanding Achievement Award. The award cited the accomplishments summarized below.

Maurine Watts, the Emmet County Friend of the Court Director, and Janice Potter the Deputy Director, achieved a 97 percent settlement rate when mediating domestic relations cases. In addition to that outstanding 2004 settlement rate, Ms. Watts and Ms. Potter previously achieved a 95 percent settlement rate over the last five years.

By utilizing pre-show-cause conferences, the Emmet County Friend of the Court Enforcement Staff (Jan Carpentier, Suzan Janeczek, and Sheri Manial) were very successful in resolving nonpayment of child support cases. As a result of those employees' dedication and persuasiveness, the domestic relations referee heard only 20 percent of the scheduled show cause non-payment of child support motions.

Other Emmet County Friend of the Court employees were also recognized for their contributions to the office's accomplishments. Ms. B.J. Bailey was recognized for her medical insurance and enforcement work. Ms. Karen Bishop was recognized for her MICSES expertise, and Ms. Erin Felski was recognized for her receptionist clerical skills and for her work as the assignment clerk for the domestic relations referee.

The Emmet County Friend of the Court Office has also established a very successful "communication counseling program." This program has been particularly successful with families in which there is high conflict between the parents. The friend of the court office has entered into a contract with a local psychologist to provide three

continued on page 4

Kent County Circuit Court Domestic Relations Education Program

by State Court Administrative Office, Friend of the Court Bureau Staff

The Kent County Circuit Court recently initiated a “Domestic Relations Education Program.” This program was started by Jon Ferrier, who has been a domestic relations referee in Kent County for almost 25 years. According to Mr. Ferrier, “These programs were born of my realization, over 25 years of presiding over hearings in domestic relations cases, that people were asking many of the same questions, had the same concerns, and the same unfulfilled need for information in many of my hearings. I decided that it would be helpful to create a forum in which many of these questions could be raised and explored.”

Mr. Ferrier sought the assistance of Julie Haveman and Dan Fojtik, both of the Kent County Friend of the Court Office. These three devoted professionals developed a series of programs that will assist domestic relations litigants. Ultimately, Mr. Ferrier would like to see such programs developed for use by Family Courts throughout Michigan. The following is the 2005-2006 schedule for the Kent County Domestic Relations Education Program.

October 11, 2005: “Representing Yourself in Family Court”: When to File an *In Pro Per* (do-it-yourself, no lawyer) Motion to Change Child Support or Parenting Time. Information you can use to help yourself when you need relief.

November 8, 2005: “Who Does What in A Domestic Relations Case?” Featuring Prosecuting Attorney, Friend of the Court, Department of Human Services, Judges, Referees and More!

December 13, 2005: “Questions to Ask Your Attorney.” Fees; What to Expect; Who Are the Players Involved? How Long Will Things Take? What Happens Down the Road?

January 10, 2006: “Anatomy of a Divorce.” Complaint, Answer, Default, Motions, Orders, Final Judgments, Required Language and More!

February 14, 2006: “Understanding Child Support.” An A to Z recap of child support law and practice, and how they impact you.

March 14, 2006: “Whose ‘Friend’ is the FOC?” John Cole, Kent County FOC, and his Staff, presenters.

April 11, 2006: “Grandparenting Time Law and Cases.” How is your family affected?

May 9, 2006: “Parental Alienation or Parental Coordination – How You Can Decide.”

June 13, 2006: “10 Myths About Family Law –*BUSTED!*” Popular Misconceptions about Domestic Relations Law that can be harmful.

July 11, 2006: “Protecting Yourself: Guerilla Warfare in the Family Court.”

continued on page 4

Access and Visitation Grant

by State Court Administrative Office, Friend of the Court Bureau Staff

As authorized by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), the federal Office of Child Support Enforcement (OCSE) provides grants to establish and administer programs that support and facilitate noncustodial parents' access to, and visitation with, their children. The Michigan Department of Human Services has received a grant that will be administered by the State Court Administrative Office (SCAO). The grant money will be distributed to county friend of the court offices (FOC).

In Michigan, the Access and Visitation Grant involves a competitive application process. All FOCs were notified that they could apply for a FY 2006 Grant. Applicants were encouraged to develop programs that target populations not being assisted by current mandated services. If awarded a grant, the local government must provide 10 percent matching funds for its program and submit program status reports to the SCAO. Grant contracts also require the recipients to develop other funding sources to eventually replace the Access and Visitation Grants. That will allow new grant recipients to be chosen in the future.

Twelve Michigan FOC offices have been awarded a total of \$162,161 for FY 2006 to continue or establish access and visitation programs. The following Friend of the Courts (FOCs) were awarded grants:

Baraga, Houghton, and Keweenaw Friend of the Court received \$5,049. The Friend of the Court Offices will join with Goodwill Farms to assist parents who have been ordered to have supervised parenting time. Goodwill Farms will provide families the opportunity to utilize a classroom and a gymnasium. The classroom is equipped with a computer, TV, VCR, art supplies, books, videos, toys, and games. The classroom allows parents to interact with their children while being observed by a parenting time supervisor. Supervisors also will occasionally travel with the parent and child. The primary goal of the program is to help parents transition from supervised parenting time to unsupervised parenting time.

Eaton County Friend of the Court received \$18,000 for its Supervised Parenting Time Program. This program will provide supervised parenting time in the noncustodial parent's home. Supervisors will be trained on how to address domestic violence, sexual assault, substance abuse, and reunification issues. The supervisor will meet with the parents and the child to structure a schedule according to the family's needs. The supervisor will also conduct a safety inspection of the home. The supervisor will observe up to six supervised hours per week. Cases will be reviewed every three months by a domestic relations referee to evaluate the continued need for supervision and make changes to the parenting time schedule. The goal of the program is to provide services to 35 to 60 families over the course of one year.

Ingham County Friend of the Court received \$12,300 for its supervised parenting time program. The Ingham County Friend of the Court will continue to team with Michigan State University's Chance at Childhood Program. In FY 2005, eighteen law students and social work graduate students provided supervised parenting time services to families who had issues related to substance abuse, domestic violence, lack of parenting skills, or inability to

"Twelve Michigan FOC offices have been awarded a total of \$162,161 for FY 2006 to continue or establish access and visitation programs."

continued on page 7

Cases in Brief

by State Court Administrative Office, Friend of the Court Bureau Staff

Pickering v Pickering, ___ Mich App ___ (8/30/05); COA Docket No. 253342

After a trial that included child-custody issues, the court awarded custody to the plaintiff-mother and ordered that the defendant-father have “reasonable and liberal parenting time.” At a hearing to settle the terms of the written final judgment, the father made an oral motion for “specific” parenting time. The court characterized the motion as a premature (because the judgment had not yet been entered) motion for reconsideration of the judgment, and denied the motion for that reason. Defendant later appealed (without formally moving for reconsideration).

“Parenting time shall be granted in specific terms if requested by either party at any time.”

The Court of Appeals **reversed** and remanded the case with instructions for the trial court to modify the judgment and specify exactly when the father would have parenting time. The COA reasoned that the issue was unequivocally controlled by §7a(7) of the Child Custody Act of 1970 [MCL 722.21 *et. seq.*], which states:

*Parenting time shall be granted **in specific terms** if requested by either party **at any time**.* (Bold emphasis added.)

Given that very clear statutory mandate, the trial judge simply did not have the discretion to refuse to consider the defendant’s pre-judgment oral request that the court specify exactly when the defendant would have parenting time with the parties’ child.

Michigan Family Support Council Honors Emmet County, continued from page 1

communication counseling sessions per family. The county will pay 50 percent of the costs if the parents attend all three sessions. The parents are responsible for the cost of the sessions if they fail to attend all three sessions.

Ms. Watts says of her office: “We are a small staff, but thanks to communication and teamwork, we get a lot done! Our goal is to help parents understand and accept both their financial and emotional responsibility to their children. We stress this in our divorce education program, along with helping parents come up with a plan to co-parent after the break-up.”

Congratulations to the Emmet County Friend of the Court Office on receiving the MFSC 2005 Outstanding Achievement Award.

Kent County Circuit Court, continued from page 2

All programs are held on the second Tuesday evening of the month, from 6:30-8:00 pm, in the jury assembly room, 1st floor, Kent County Courthouse, 180 Ottawa, NW, Grand Rapids, MI. For more information please contact Jon Ferrier at 616-632-5165 or Jon.Ferrier@kentcounty.org.

Capitol Corner

by State Court Administrative Office, Friend of the Court Bureau Staff

Since the previous edition of the Pundit was published, the following bills have been introduced in the legislature. These bills and others can be viewed at: <http://www.legislature.mi.gov/>.

House Bill 5088 would amend the Support and Parenting Time Enforcement Act. The bill permits the court to vacate a child support order under certain circumstances if the court finds that an individual is not an adoptive father or genetic testing proves he is not the biological father. The bill was introduced on August 10, 2005, and referred to the Committee on Family and Children Services.

House Bill 5100 and Senate Bill 714 would amend the Child Custody Act. The bills provide that if a parent is called to military service, the court could not make a best interest determination or modify a custody court order based on that parent's involuntary separation from his or her child due to military service. House Bill 5100 was introduced on August 24, 2005, and has passed by both the House and the Senate. Senate Bill 714 was introduced on August 31, 2005, and has passed the Senate and referred to the House.

House Bill 5267 would amend the Child Custody Act. The bill would require the court to order joint custody unless there is clear and convincing evidence that the parent is unfit, unwilling, unable to care for the child, or the parent moves outside the school district that the child has attended the previous year and by the court awarding joint custody it would disrupt the child's school schedule. If a parent is unable to maintain the child's school schedule, the court shall order the parents to submit to mediation to determine a custody arrangement that maximizes both parents' ability to participate with their child while accommodating the child's school schedule. The bill was introduced on October 6, 2005, and referred to the Family and Children Services Committee.

House Bill 5290 would amend the McCauley-Traxler-Law-Bowman-McNeely Lottery Act. The bill provides that payment of child support arrearage from lottery winnings must be paid first before any other payment is made. The bill was introduced on October 12, 2005, and referred to the Committee on Government Operations.

Public Act 481 became effective October 1, 2005. The act adds a section to the Estates and Protected Individual Code [MCL 700.3705] requiring the personal representative of an estate to provide the names of the heirs and devisees of an estate to the friend of the court.

FYI

by State Court Administrative Office, Friend of the Court Bureau Staff

Action Transmittals

Since the last issue of the Pundit, the following Action Transmittals (ATs) have been released by the Michigan Office of Child Support (OCS):

AT 2005-068 (released September 30, 2005) describes changes to the DCH-0839 form.

AT 2005-064 (released September 15, 2005) Hurricane Katrina Stop-Pay and Address Change Procedures. This AT provides temporary procedures that have been established with IV-D staff in order to provide efficient IV-D services to evacuees from Hurricane Katrina.

AT 2005-061 (released September 30, 2005) provides information about debit cards, form modification, and newly created documents that help explain debit cards.

AT 2005-060 (released September 12, 2005) provides information about the statewide debit card program. It includes information to help IV-D staff respond to questions related to the implementation.

AT 2005-059 (released September 9, 2005) provides information about the State Verification and Exchange System (SVES). The federal Office of Child Support Enforcement (OCSE) and the Social Security Administration (SSA) anticipate ending the SVES project at the end of fiscal year 2005. The AT provides instructions for handling Income Withholding Notices for SSA Title II benefits after the project concludes.

AT 2005-058 (released September 1, 2005) provides medical reimbursement information for friends of the court.

AT 2005-056 (released August 18, 2005) describes two changes to Form DHS-820 (FEN 820). Those changes are: The addition of an electronic signature; and an updated mailer page.

AT 2005-053 (released September 9, 2005) describes a change in existing forms that incorrectly state that surcharge is assessed at an eight percent annual rate. The new forms reflect appropriate surcharge language.

AT 2005-049 (released October 24, 2005) provides the MiSDU with the revised Form DHS-1066 and instructions for completing the form.

AT 2005-046 (released October 11, 2005) replaces AT 2005-016, *Maintenance and Verification of Case Data*. It specifies additional user requirements regarding the respective thresholds of information required for updating and verifying essential case data elements in the Michigan Child Support Enforcement System.

continued on page 9

Access and Visitation Grants, continued from page 3

communicate with the other parent. The students received training in domestic violence, crisis intervention, child abuse and neglect, diversity in families, and safety. For FY 2006, the program intends to expand and recruit more students to serve as supervisors. Supervised parenting time will occur either at St. Gerard Church or at a safe site selected by the parenting time supervisor.

Jackson County Friend of the Court received \$20,000 for its parenting time program. The Jackson County Friend of the Court Office will team with Child and Parent Center of Jackson Michigan to provide supervised parenting time and parent education. The Friend of the Court will use part of the grant to provide monitored exchanges and to help parents develop parenting plans. The Friend of the Court anticipates using some parents who have successfully completed parenting plans to help other parents develop such plans. The Friend of the Court will use part of the grant to pay for these services but will also attempt to recoup the costs from parents who utilized the services.

Manistee and Benzie County Friend of the Courts received \$20,000 for their supervised parenting time program for parents who are referred by the court. As part of this program, both parents will be required to meet with the parenting time supervisor and prepare action plans that outline steps that they must take to transition to unsupervised parenting time. Parents who cannot agree to a parenting time plan will be referred to mediation. The parenting time supervisor will observe each parenting time session and then forward a written report to the court. A domestic relations referee hearing will be held every 90 days to evaluate if supervised parenting time should continue or if unsupervised parenting time should be implemented.

Monroe County Friend of the Court received \$19,937 for its supervised parenting time and monitored exchange program. The Monroe County Friend of the Court will refer families to the Monroe Family Counseling and Shelter Services (FCSS). FCSS will provide supervised parenting time, play therapy, monitored custody exchanges, and therapeutic parenting time and assessments. This program anticipates serving 250 to 500 families and will provide a Spanish speaking advocate. FCSS will provide family progress reports to the Monroe County Friend of the Court regarding the progress families are making.

Muskegon County Friend of the Court received \$6,875 for its Fathers Initiative and Incarcerated Fathers programs. The Fathers Initiative Program is designed to assist fathers who want to become more involved with their children. The program focuses on fathers who are not currently living with their children. The program provides information about problem solving, anger management, budgeting, family enrichment skills, and on how to care for newborn babies. The Incarcerated Fathers Program focuses on assisting fathers as they re-enter the community.

Oceana County Friend of the Court received \$20,000 for its parenting time program. The Oceana County Friend of the Court Office will team with the Andre Bosse Center to provide the following services: supervised parenting time, monitored parenting time, neutral

continued on page 8

Access and Visitation Grants, continued from page 7

drop off and pick up, assisting parents in developing parenting plans and alternative custody arrangements, and providing parent education. If supervised parenting time has been ordered, each parent is invited to the Center for an interview, provided with program information, given the opportunity to meet the parenting time monitor, and given a tour of the facilities.

St. Joseph County Friend of the Court received \$20,000 for its neutral drop off and pick up program. The St. Joseph County Friend of the Court will team with the Domestic Assault Shelter Coalition. Families are referred to the program after a personal protection order has been issued and supervised parenting time has been ordered. Parents are interviewed separately on the same day that they appear in court and are provided with information about the program. Alcohol and drug testing can be initiated at the request of either parent or when ordered by the court. The monitored exchange facilitators will be trained on how to administer the drug and alcohol tests. The program's objective is to assure the safe transfer of children between parents.

Washtenaw County Friend of the Court received \$20,000 for its supervised parenting time and neutral drop off program. The Washtenaw County Friend of the Court will team with HelpSource to provide those services. The families will be referred to the program by court order or a friend of the court recommendation. After intake interviews have been completed, supervised one or two hour parenting time sessions will be scheduled. They will be structured to allow no contact between the parents. Helpsource will provide progress reports to the court.

For FY 2006, the State Court Administrative Office will use \$36,000 of the Access and Visitation Grant to fund its Postjudgement Parenting Time Project. For FY 2005, 646 parents received mediation services as a result of this project from January through September 2005.

The State Court Administrative Office looks forward to working with all the Access and Visitation Grantees.

FYI, continued from page 6

AT 2005-045 (released August 22, 2005) provides information about cooperation requirement with tribal IV-D programs.

AT 2005-043 (released August 12, 2005)) replaces AT 2005-015, *IV-A Recipient Returned Support*. This AT explains how to process returned child support payments. The AT also provides information about the *Incentive Payment Request* (DHS-316) form for cash and personal checks collected at local Department of Human Services (DHS) and FOC offices.

NoteHand Released

The Communications Workgroup recently released the MICSES Notehand, a writing manual that was developed to help ensure the consistency of notes entered into the MICSES system by program users. The Notehand can be found on the MI-Support website. All professionals employed in the Michigan Child Support Program are **strongly encouraged** to follow the recommendations in the Notehand when writing MICSES notes.
